

URGENT ACTION

SEVEN MEN EXECUTED, SIX OTHERS AT IMMINENT RISK

Seven members of Aum Shinrikyo cult were executed without prior notice on 6 July 2018. The six other men sentenced to death in the same case remain at imminent risk of execution. The pattern against the international law to execute individuals with appeals or other proceedings still pending may continue.

Without any prior notice to the date of execution, the Minister of Justice of Japan announced on 6 July 2018 that prison authorities had carried out the executions of seven of the 13 Aum Shinrikyo cult members earlier that morning. Sentenced to death for their respective roles in orchestrating and carrying out a sarin gas attack in the Tokyo subway in 1995 and other illegal activities, the 13 men were convicted in separate trials between 2006 and 2011. Chizuo Matsumoto, Masami Tsuchiya and Seiichi Endo were hanged at the Tokyo Detention Centre; Kiyohide Hayakawa, at the Fukuoka Detention Centre; Yoshihiro Inoue and Tomomitsu Niimi, at the Osaka Detention Centre; and Tomomasa Nakagawa, at the Hiroshima Detention Centre. The execution of seven men in one day is unprecedented in recent history of Japan.

The remaining six men sentenced to death in relation to this attack remain at imminent risk of execution. **Satoru Hashimoto, Kenichi Hirose and Toru Toyota** are believed to be on death row at the Tokyo Detention Centre, while **Yasuo Hayashi, Masato Yokoyama and Kazuaki Miyamae** were among those prisoners who were moved to detention facilities in other parts of the country in March 2018. Though the cases of the 13 men have been finalized for many years, their death sentences have not been implemented until now in line with Article 475 of the Criminal Procedure Code, as the cases of other co-defendants were not concluded until January 2018.

According to their lawyers, some of the 13 men have been seeking retrials, and some of those executed or awaiting execution have appeals to this aim pending before Japanese courts. The execution of individuals with appeals or other proceedings still pending is against the UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. Furthermore, Article 457 (2) of Japan's Criminal Procedure Code implies that those requesting to restore the right to appeal shall not be executed within the timeline required by law.

Please write immediately in Japanese, English or your own language urging the authorities to:

- Halt any planned executions and commute the death sentences of the remaining six members of Aum Shinrikyo and all other prisoners, without delay;
- Establish a moratorium on executions with a view to abolishing the death penalty and to encouraging an informed national debate on the use of this punishment;
- Pending that, end the secrecy that surrounds the use of the death penalty in Japan and provide the prisoners, their family and lawyers and the public with notification of any scheduled executions.

PLEASE SEND APPEALS BEFORE 29 AUGUST 2018 TO:

Minister of Justice

Yoko Kamikawa
1-1-1 Kasumigaseki Chiyoda-ku
Tokyo, Japan 100-8977
Ministry of Justice
Fax: +81 3 3592 7008 / +81 3 3592 7393
Twitter: @MOJ_HOUMU

Salutation: Dear Minister

Prime Minister

Shinzo Abe
1-6-1 Nagata-cho Chiyoda-ku
Tokyo, Japan 100-8968
Fax: +81 3 3581 3883
Email: (via website)
https://www.kantei.go.jp/foreign/forms/comment_ssl.html
Twitter: @abeshinzo

Salutation: Dear Prime Minister

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR KOJI TSURUOKA, Embassy of Japan, 101-104 Piccadilly W1J 7JT, 020 7465 6500, Fax 020 7491 9348

Please check with your section office if sending appeals after the above date. This is the second update of UA 213/16. Further information: <https://www.amnesty.org/en/documents/asa22/7885/2018/en/>

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ADDITIONAL INFORMATION

It is unprecedented in Japan to execute seven individuals in one day, as took place on 6 July 2018. Over the past three decades, Amnesty International has recorded a maximum number of four executions in one day. Japan has been carrying out 1–15 executions per year for the past three decades, except in 2011 (when no one was executed).

Between 1999 and 2016, no one seeking a retrial was executed in Japan. However, in 2017 three prisoners who had their appeals for retrial pending before the courts were executed. Former and current Ministers of Justice Katsutochi Kaneda and Yoko Kamikawa, who signed execution orders in 2017, said that they do not believe those seeking retrials should be exempt from execution. Defendants in Japan are required to decide whether to appeal their sentence within 14 days. If they do not appeal within that period, the prisoner immediately starts serving a sentence. Regarding the timing to implement the death sentence, Article 475 (2) of Japan's Criminal Procedure Code states: "The order set forth in the preceding paragraph shall be rendered within six months from the date when the judgment becomes final and binding; provided, however, that, where a request to restore the right to appeal or a request for a retrial, an extraordinary appeal, or an application or request for a pardon is made, the period before these proceedings have finished shall not be included in this period. Neither shall the period before the judgment becomes final nor binding for persons who are co-defendants be included in this."

Secret executions are in contravention of international law and standards on the use of the death penalty. UN bodies and experts have repeatedly criticized this and the lack of other adequate legal safeguards, such as mandatory appeals, for those facing the death penalty in Japan.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the offender or the method used by the state to carry out the execution. The death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment. As of today, 106 countries have abolished the death penalty for all crimes and 142 are abolitionist in law or practice. Japan is among a shrinking minority of states that persist with this cruel practice.

Name: Satoru Hashimoto, Yasuo Hayashi, Kenichi Hirose, Kazuaki Miyamae, Toru Toyota, Masato Yokoyama.
Gender: male

Further information on UA: 213/16 Index: ASA 22/8803/2018 Issue Date: 18 July 2018